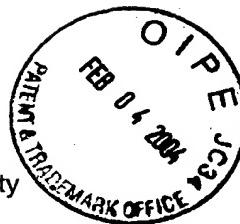




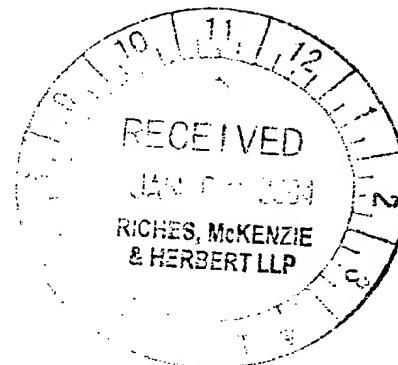
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January 5, 2004



Application No. : **2,258,115**
Owner : NAKATSUKA, KATSUTO; NITTETSU MINING CO., LTD.
Title : **MULTILAYER COATED POWDER**
Classification : C09C-3/00
Your File No. : **P180298**
Examiner : Maja R. Solajic

YOU ARE HEREBY NOTIFIED OF :

- A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SUBSECTION 30(2) OF THE **PATENT RULES**;
- A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SECTION 29 OF THE **PATENT RULES**.

IN ORDER TO AVOID **MULTIPLE ABANDONMENTS** UNDER PARAGRAPH 73(1)(A) OF THE **PATENT ACT**, A WRITTEN REPLY TO EACH REQUISITION MUST BE RECEIVED WITHIN **6 MONTHS** AFTER THE ABOVE DATE.

This application has been examined taking into account applicant's correspondence received in this office on March 15, 1999.

The number of claims in this application is 12. However, the expression "Claim 8 (deleted)" must be removed and claims 9 - 12 must be renumbered.

A search of the prior art has revealed the following:

References Applied:

Japanese Patent Documents

1.	JP 60-169412	09/1985	A61K-7/00	Shiseido Co. Ltd. (Shiseido 1)
2.	JP 2-16044 (corresp. CA 1,319,052)	01/1990	B32B-15/04	Flex Prod. Inc./ OCLI (Flex)
3.	JP 3-120351	05/1991	C23C-14/06	Seikosha Co. Ltd. (Seikosha)
4.	JP 4-168163	06/1992	CO9D-5/36	Aisin Chem Co. Ltd. (Aisin)
5.	JP 58-177911	10/1983	A61K-7/00	Shiseido Co. Ltd. (Shiseido 2)
6.	JP 1-158077	06/1989	CO9C-1/36	Shiseido Co. Ltd. (Shiseido 3)
7.	JP 5-230394	09/1993	CO9C-3/06	Kao Corp. (Kao)
8.	JP 7-113053	05/1995	CO9D-1/00	Sakai Chem. Ind. Co. Ltd. (Sakai)

The above-cited references are representative of the prior art which describes light-weight multi-layer coated powders which comprise a base (core) particle and thin coating layers; each coating layer has different refractive index (Rf) and specific thickness. It is noted that at least one of the coating layers consist of an inorganic metal compound (i.e. metal oxide), metal or metal alloy. Described products are particularly suitable for use in cosmetic industry, decorative car paints, plastics, security and counterfeit applications and others.

Although the prior art documents do not explicitly define the relationship between the layer thickness, refractive index, peak wavelength and extinction coefficient in terms of the expressions (1) and (2) [as specified in the instant application] they might satisfy these expressions.

The examiner has identified the following defects in the application:

Claim 1 does not comply with Paragraph 28.2(1)(b) of the Patent Act because this claim includes subject matter disclosed in each of the above-cited references before the claim date.

Claims 2 and 3 do not comply with Paragraph 28.2(1)(b) of the Patent Act because these claims include subject matter disclosed in each of the following documents: Shiseido 1, Flex, Seikosha, Aisin, Shiseido 2, Kao or Sakai before the claim date.

Claim 4 does not comply with Paragraph 28.2(1)(b) of the Patent Act because this claim includes subject matter disclosed in Aisin before the claim date.

Claim 5 does not comply with Paragraph 28.2(1)(b) of the Patent Act because this claim includes subject matter disclosed in Shiseido 2 or Shiseido 3 before the claim date.

Claims 6 and 7 do not comply with Paragraph 28.2(1)(b) of the Patent Act because these claims include subject matter disclosed in Shiseido 1, Flex, Seikosha, Aisin, Shiseido 2, Shiseido 3 or Kao before the claim date.

Claim 9 and 10 do not comply with Paragraph 28.2(1)(b) of the Patent Act because these claims include subject matter disclosed in Kao before the claim date.

Claim 11 does not comply with Paragraph 28.2(1)(b) of the Patent Act because this claim includes subject matter disclosed in Sakai before the claim date.

Claim 12 does not comply with Section 28.3 of the Patent Act. The subject matter of this claim would have been obvious on the claim date to a person skilled in the art or science to which it pertains having regard to each of the above-cited references taken within the context of the state of the art. Film thickness setting (i.e. fixing) does not involve inventive faculty.

Claims 9-12 are indefinite and do not comply with Subsection 27(4) of the Patent Act. The term "(Amended)" must be removed from identified claims.

Amendment is necessary with respect to the description; blank pages 4, 20 and 45-52 should be removed and pages should be renumbered.

For reasons of clarity and syntax the applicant is required to effect the following editorial revision(s) in the application:

- at page 57 (abstract) the term "nuclear" should read "core".

In view of the foregoing defects, the applicant is required, under Subsection 30(2) of the Patent Rules, to amend the application in order to comply with the Patent Act and the Patent Rules or to provide arguments as to why the application does comply.

The applicant is required to submit copies of the Japanese Patents JP 44-3083 (Zaidan Hojin Oyo Kagaku Kenkushas) and JP 3-93898 (Mitsubishi Kasei Corp.) together with a translation into either the English or French language, which was cited in the International Search Report for the underlying PCT application.

Under Section 29 of the *Patent Rules*, applicant is required to provide an identification of any prior art cited in respect of the United States and European Patent Office applications describing the same invention on behalf of the applicant, or on behalf of any other person claiming under an inventor named in the present application, and the patent numbers, if granted. Amendment to avoid references cited abroad may expedite the prosecution. In accordance with Subsection 29(3) of the *Patent Rules*, if the particulars are not available to the applicant, the reason why must be stated.

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